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ANNUAL REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PROVINCE OF COORG

for the year 1886,

WITH REVIEW BY

D. FITZPATRICK ESQ., C. I. E.,

Offg. Judicial Commissioner and Chief Commissioner of Coorg.

PRICE 4 ANNAS.

18

Proceedings of the Chief Commissioner of Coorg,
(Judicial),—No. 752—417 *dated 4th May* 1887.

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D. FITZPATRICK ESQ., C. I. E.,

Officiating Judicial Commissioner and Chief Commissioner of Coorg.

Changes in personnel.—Owing to Mr. Lyall's absence on leave Mr. Girdlestone continued to officiate as Judicial Commissioner from the beginning of the year up to the 26th May.

2. *Tribunals.*—There was no change in the number and constitution of the Civil Courts in the Province, except that the Munsiffs were invested with powers to entertain and dispose of insolvency applications.

3. *Distribution of work.*—The distribution of work between different Courts in force in the previous year also remained unaltered, though some changes in this respect were introduced in February of the current year. These changes, though not properly belonging to the report, may for the sake of convenience be referred to here. Experience having shown that the Commissioner and 1st Assistant Commissioner, who, in addition to their respective functions of Sessions Judge and District Magistrate, are also the head executive officers of the Revenue and Police Departments, were, owing to pressure of Civil judicial work, prevented from going on tour in the Province to the extent which their administrative duties demanded, it was thought necessary to alter the scheme which had been in existence for eighteen months by raising the jurisdiction of Munsiffs from Rs. 500 to Rs. 1,000, and by passing local orders that all suits between Rs. 1,000 and 3,000 should ordinarily be tried by the 2nd Assistant Commissioner. The object of the new scheme is (1) to relieve the 1st Assistant Commissioner of all Civil original work except during the monsoon months between May and August of each year, when the rains in Coorg render travelling impracticable, and when arrangements will be made for the 1st Assistant Commissioner taking up and disposing of such original suits as may be referred to him by the District Judge; (2) to utilize his services in assisting the Commissioner in revenue work which, combined with his other duties, is onerous.

4. *Small Cause Jurisdiction.*—The Commissioner's proposal to invest the Munsiffs with Small Cause jurisdiction up to Rs. 50 did not commend itself to the Chief Commissioner. The question was once before mooted in 1884, and there appears to be no reason to change the opinion then formed. It may be added that Mr. Fitzpatrick is much opposed to conferring small cause powers save on exceptionally reliable officers.

5. *Institutions.*—The litigation in Coorg is mostly of a simple character comprising suits brought to recover sums due on bonds or verbal agreements. The table

given in para 6 of the report shows that 95 per cent of the suits instituted were of the nature cognizable by a Court of Small Causes, whilst 75 per cent did not exceed Rs. 100 in value.

6. *Disposals.*—About 77 per cent of the suits disposed of were uncontested, and 22 per cent or 652 suits represents the judicial work performed by the Coorg Courts during the year involving time and labour in its execution.

7. *Value of Suits.*—Despite the increase in the total number of institutions, the total value of suits was less than that of 1885 by Rs. 16,77,665. This is accounted for by the institution in the previous year of a single suit in the District Judge's Court for Rs. 20,18,450—0—8. The decrease in the average value of suits is also to be ascribed to the same cause.

8. *Pending Suits.*—It is satisfactory to note that the number of suits pending at the close of the year was far less than in the year preceding though the number of suits for disposal was greater. The delay in one case, which had been pending since October 1885, is satisfactorily explained by the Commissioner.

9. *Duration of Suits.*—The general average duration of suits has risen considerably in the case of contested suits and is explained to be due to the difficulty experienced in securing the attendance of parties and witnesses residing outside the Province; but it is not apparent why this should have caused a greater delay during the year under report than during the preceding year. The Commissioner will be called on to ascertain the particular Courts in which the duration has increased and to make a detailed inquiry into the causes of the increase.

10. *Detention of Witnesses.*—A very large percentage of the witnesses examined was discharged on the first and second day of their attendance.

11. *Miscellaneous cases and execution of decrees.*—The increase observable in the miscellaneous cases and of applications for the execution of decrees follows naturally upon the increase in institutions.

12. *Appeals.*—The number of appeals has fallen considerably during the year under review; the percentage of appeals filed to appealable cases being 13·95 against 20·58 in the previous year. This is doubtless due to the establishment of Munsiffs' Courts presided over by qualified officers, and of the transfer to them of much of the original business hitherto done by the Subedars. The decrease in the appellate work of the 1st Assistant Commissioner and the consequent rise in that of the District Judge is due to the establishment of the Munsiffs' Courts, from which an appeal lies to the Commissioner instead of to the Assistant Commissioner. The fact that 43·48 per cent of the appeals instituted succeeded either wholly or in part, may be taken to be an indication of the *bona fides* of the appellants. The very small proportion (1 out of 91) of appeals disposed of under Section 551, Civil Procedure Code, without notice to the Respondents, is remarkable. It seems to the Chief Commissioner that more use might be made of this salutary provision of law, which is designed to check groundless appeals without unnecessary harrassment of Respondents.

13. *Pending appeals.*—The pending file of the appellate business at the end of the year was not unduly large.

14. *Duration of appeals.*—The high average duration of appeals is not satisfactorily accounted for.

15. *Execution of decrees.*—There has been an increase as already noticed in the number of applications for execution of decrees. As in the preceding years the proportion of wholly infructuous applications continues to be very large being 47·66 per cent. The Commissioner writes on this point as follows :—

"The cause as explained in para 33 of my report of last year is mainly due to the special law in Coorg, which saves from attachment all immoveable property whether lands or houses, which have not been expressly mortgaged. The fact that property in Coorg is largely held as common to all the members of a family in the

name of the head or *Yejman* interposes great difficulties in the way of a decree-holder."

16. *Civil-debtors.*—It is satisfactory to observe that there has been a decrease in the number of prisoners committed to the Civil Jail, the figures having fallen from 47 to 29.

17. *Insolvency.*—The business under the insolvency chapter continues insignificant in amount.

18. *Judicial Commissioner's Court.—Regular appeals.—Method of disposal.—Value of appeals.—Duration of appeals.*—In the Judicial Commissioner's Court there were 4 regular appeals during the year including one pending from the previous year. All were disposed of during the year, 3 of them being contested. The decision of the lower Court was confirmed in two cases, and modified in the remaining two. The value of the appeals instituted was Rs. 3,850 against Rs. 13,095 in the previous year, and their average duration 97·5 days against 39·6 days. The high average duration of each appeal is due to one case which came up before the Judicial Commissioner's Court twice for hearing, on the second occasion after a remand to the lower Court under Section 566, Civil Procedure Code.

19. *Second appeals.—Value of appeals.*—Eight second appeals were instituted in the Judicial Commissioner's Court during the year; of these 4 were for moveable property, 3 for immoveable property, and one was for a declaration of right to an easement. The aggregate value of the property involved in these second appeals, excluding the last mentioned suit, the value of which could not be estimated in money, amounted to Rs. 1,123—7—0.

20. *Method of disposal.*—The number of second appeals for disposal (including 10 second appeals pending from the previous year) was 18. The manner in which they were disposed of is shown below, and the corresponding figures for 1885 given for purpose of comparison.

		1885.	1886.
Decisions confirmed under Section 551, C. C. P.		1	11
Dismissed for default		...	1
Heard *ex-parte*...	Confirmed	7	...
	Modified	...	...
	Reversed	1	1
	Remanded	...	...
Contested	Confirmed	9	4
	Modified	...	...
	Reversed	2	1
	Remanded	1	...
		21	18

21. *Duration of second appeals.*—The average duration of each second appeal is much lower during the year under review than in 1885, the figures being 54·27 and 95·1 respectively.

22. *Supervision of Courts.*—The work of inspection of subordinate Courts seems to have been fairly well carried out by the District Judge and by the 1st Assistant Commissioner, and the results of inspection were generally speaking satisfactory.

23. *Process Service Establishment and Process Service Fund.*—The process establishment appears to work on a satisfactory footing, new rules having been framed in regard to the powers of Process Peons to execute warrants and to the security to be furnished by both Peons and Amins. The process service fund shows a considerable surplus during the year under review over that of the previous year, the figures being Rs. 2,249—8—6 for 1885 and Rs. 4,361—13—10 for 1886.

24. *Legal Practitioners.*—New rules were also framed in regard to the admission, qualification and enrolment of Pleaders under the Legal Practitioners' Act.

25. *General Remarks.*—The results of the judicial administration for the year appear on the whole to be fairly satisfactory; but the Officiating Chief Commissioner desires to observe, with reference to the concluding passage of the Commissioner's report, that while he fully agrees with the Commissioner as to the danger of unduly hurrying judicial officers, it must not be too readily assumed that delay in the disposal of judicial work is due solely to the fact of the officers having revenue and executive as well as judicial duties to discharge. It is often due to indolence and want of method, and when this is the case, it will usually be found that the work which is longest delayed not only entails the greatest amount of harrassment on the litigants but is in the end the worst done. What the cause of delay is in the case of any individual officer can be ascertained only by calling for his files, having them examined, and a note prepared showing the various postponements ordered and the reasons for which they were ordered.

D. ROBERTSON,
Secretary.

ANNUAL REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

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for the year 1886,

BY

COLONEL T. G. CLARKE,

Commissioner and District Judge of Coorg.

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1. *Tribunals.*—The number and the jurisdiction of the Courts which exercised Civil functions during the year were the same as in 1885. The powers exercised by the several Civil Courts in the Province are as described hereunder:—

(1) The Court of the District Judge, as the principal Court of original Civil jurisdiction, with powers to hear appeals from the decrees and orders of the two Munsiffs and the 1st and 2nd Assistant Commissioner's Courts.

(2) The Court of the 1st Assistant Commissioner exercises original jurisdiction in suits of value from Rs. 1,000 to Rs. 3,000, and is empowered to receive appeals from the Taluk and Nad Courts.

(3) The 2nd Assistant Commissioner's Court has original jurisdiction in suits of value from Rs. 500 to Rs. 1,000.

(4) The Munsiffs at Mercara and Virajendrapett, respectively, dispose of suits ranging from Rs. 100 to Rs. 500 in value. They have not been invested with powers in respect of suits of the nature of small causes, but their jurisdiction within the Municipal limits of the respective towns has no minimum limit.

(5) The Courts of Taluk Subedars (6 in number) dispose of original suits not exceeding Rs. 100 in value.

(6) The Courts of Parpattigars (5 in number) have powers to dispose of cases of the nature of small causes when not exceeding Rs. 50 in value.

2. The Munsiffs at Mercara and Virajendrapett were, under Chief Commissioner's Notification No. 43 dated 2nd August 1886, invested with the power to entertain and dispose of insolvency applications.

3. *Institution of Suits.*—The total number of suits instituted in all the Courts during the year was 2,911 as compared with 2,639 in 1885 being an increase of 272 in the year under report. The number is still a little short of that of the preceding year 1884, when the number instituted was 2,932.

4. *Courts in which suits were instituted.*—The subjoined comparative statement shows the number of suits instituted in the several classes of Courts during the past and previous years:—

Class of Courts.	1885.	1886.	Increase.	Decrease.
Parpattigars' Courts	297	546	249	...
Subedars' "	1,272	1,159	...	113
Munsiffs' "	933	1,073	140	...
2nd Assistant Commissioner's Court	96	60	...	36
1st Assistant Commissioner's Court	31	59	28	...
District Judge's "	10	14	4	...
Total	2,639	2,911	421	149
Net increase.....	...	...	272	...

5. The increase is shown chiefly in the Parpattigars' or Nad Courts and in those of the Munsiffs. It may be stated that the Munsiffs' Courts were established for the first time during 8 months only of the year 1885, when the number of suits taken up, including cases transferred from the Subedars' Courts as in excess of their modified jurisdiction, was 933. The increase in the present year represents a fairly proportional increase, and there are already signs of a marked increase in the work of these Courts independently of that occasioned by the raising of their pecuniary jurisdiction to Rs. 1,000; a measure which came into force from 1st February 1887. The increase in the number of suits filed in the Parpattigars' Courts is very noticeable. This may be partially accounted for by the transfer in August 1885 of Civil powers from the Nanjarajpatna Hobli Court where the file was very light to the Padinalknad Parpattigar, in whose Court 159 out of the total of 546 suits of the Nad Courts were filed. The Subedars' Courts show a decrease, which is due to the fact that the number filed in 1885 includes those entertained prior to 1st May of that year, when the pecuniary jurisdiction of these Courts was reduced from Rs. 300 to Rs. 100.

6. *Classification of suits.*—A comparison of the classification of suits instituted, showing variation in their numbers during the past and previous years, is given below:—

Classification.	1885.	1886.	Increase.	Decrease.
Contract in writing	1659	1881	222	...
Contract not in writing	42	75	33	...
On account stated	332	308	...	24
Money had and received	228	204	...	24
Goods sold	10	5	...	5
Wages, work and materials	23	34	11	...
Rent not falling under the Rent Law	26	48	22	...
Moveable property or value thereof	170	177	7	...
Damages	46	53	7	...
Suits for immoveable property	69	68	...	1
Suits to declare and establish personal rights	15	22	7	...
Suits to set aside judgments, contracts, or obligations on the ground of fraud	2	8	6	...
Suits for dissolution of marriage	1	...	...	1
Suits for enforcement of matrimonial rights	5	9	4	..
Suits relating to religion and caste...	1	1	...	...
Other suits not falling under any of the previous heads	10	18	8	...
Total.....	2,639	2,911	327	55
Net increase...	...	...	272	

It is to be remarked that while in 1885 the number of suits on money bonds showed a decrease of 179 as compared with that of 1884, the year under report discloses a large proportional increase under the same head.

7. *Value of suits instituted.*—The total value of suits instituted amounted to Rs. 7,73,599—8—2 against Rs. 24,51,264—14—7 in 1885, or Rs. 16,77,665—6—5 less. This is due to the institution in the previous year of a single suit in the District Judge's Court for Rs. 20,18,450—0—8.

8. The subjoined comparative table shows the number of suits classified according to their value during the past and previous years:—

	1885.		1886.	
	Number.	Percentage on 1885.	Number.	Percentage on 1886.
Not exceeding Rs. 10	314	11·89	352	12·09
" 50	1,113	42·17	1,369	47·02
" 100	488	18·49	465	15·97
" 500	587	22·24	562	19·30
" 1,000	56	2·12	63	2·16
" 5,000	51	1·93	62	2·12
" 10,000	2	·07	5	·17
Exceeding Rs. 10,000	5	·18	3	·10
Not estimable in money...	23	·87	30	1·03

9. The average value of suit instituted was :—

In 1885 .. .. .. Rs. 928
In 1886 .. .. .. " 265

The value of this comparison is impaired by the circumstance to which reference has been made in para 7 above, viz as to the exceptionally large suit filed in 1885.

10. The subjoined is a comparative statement of the number of suits disposed of by the several classes of Courts during the years 1885 and 1886 :—

	1885.		1886.	
	Number.	Percentage.	Number.	Percentage.
Parpattigars' Courts	270	10·53	541	18·36
Subedars' "	1,250	48·75	1,159	38·81
Munsiffs' "	921	35·92	1,158	38·78
2nd Assistant Commissioner's Court...	88	3·43	59	1·97
1st Assistant Commissioner's "	25	·97	55	1·84
District Judge's "	10	·39	14	·46
Total.....	2,564	100	2,986	100

11. The following table shows the average disposal of suits by the different classes of Courts in the past and previous years:—

	1885.	1886.
Parpattigar's Court	54	108
Subedar's "	208	193
Munsiffs' "	460	579
2nd Assistant Commissioner's Court	88	59
1st Assistant Commissioner's "	25	55
District Judge's Court	10	14

The average number of suits disposed of by the five Parpattigars' Courts has thus risen from 54 in 1885 to 108 in 1886. These officials are also 3rd class Magistrates, but they are mainly Revenue officers, upon whom devolves the executive work of the administration within their Nads.

12. The following table shows the mode of disposal of the suits during the year 1886 :—

		Suits.	Percentage.
	Arrears of 1885	239	...
	Instituted in 1886	2,911	...
	Total for disposal.....	3,150	
	Without trial	425	14·23
Without contest ...	Compromised	144	4·82
	Decreed on confession	837	28·03
	Decreed ex-parte	910	30·47
	Dismissed ex-parte	18	0·60
By arbitration ...	For Plaintiff	...	...
	For Defendant	...	...
With contest ..	Judgment for Plaintiff	533	17·84
	Judgment for Defendant	119	3·98
	Total.....	2,986	
	Pending at the end of the year.....	164	
	Total.....	3,150	

The Courts in which cases have been mainly decreed without trial are those of the Morcara Munsiff and Subedars of Padinalknad and Kiggatnad Taluks.

13. *Cases re-filed.*—Out of 910 suits decreed ex-parte only 20 applications to set aside such decrees were preferred, which were disposed of as follows :—

Withdrawn	2
Decreed on confession	1
Compromised	3
For Plaintiff	12
For Defendant	1
Pending	1
	20

14. *Applications for review.*—Of the 28 applications for review of judgment made during the year 16 were granted and 12 were rejected.

15. *Pauper suits.*—Twenty applications for permission to sue in *forma pauperis* against 25 in the previous year were made, of which 15 were granted.

16. *Pending file.*—One-hundred and sixty-four cases were pending at the close of the year as detailed below, against 239 in the previous year :—

	Number pending.	Date of oldest case pending.
Parpattigars' Courts	25	13th September 1886.
Subedars' "	53	3rd February 1886.
Munsiffs' "	65	13th January 1886.
2nd Assistant Commissioner's Court	6	11th October 1886.
1st Assistant Commissioner's "	12	30th July 1886.
District Judge's Court	3	2nd October 1885.
Total.....	164	

17. The suit pending in the District Judge's Court since October 1885 is one in which large interests are involved, the Plaintiffs being a London firm, between whom and the Defendant negotiations were opened in view to a compromise, but after frequent adjournments the parties have failed to come to terms.

18. *Contested and uncontested Suits.*—The proportion of uncontested to contested suits was 63·93 against 77·37 in 1885, while the percentage decided in favor of Plaintiffs in contested cases was 81·74 as against 72·75 in 1885.

19. *Duration of Suits.*—Duration of original suits in several classes of Courts in the past and previous years is given below :—

	1885.		1886.	
	Contested.	Uncontested.	Contested.	Uncontested.
	Days.	Days.	Days.	Days.
Parpattigars' Courts	30	18	23	37
Subedars' "	40	32	48	24
Munsiffs' "	73	33	84	37
2nd Assistant Commissioner's Court	56	34	54	26
1st Assistant Commissioner's "	55	37	88	49
District Judge's Court	279	65	154	88
General Average	53	31	65	29

20. The general average duration of suits is largely due to the difficulty experienced in securing the attendance of parties and witnesses residing outside the Province.

21. *Witnesses.*—Six-thousand and fifty-six witnesses attended the Courts during the year against 5,087 in 1885. Of these—

5,692	were dismissed after attendance for		1 day
322	do	do	" 2 days
40	do	do	" 3 "
2	do	do	" 4 "
6,056			

22. *Miscellaneous Cases.*—The number of miscellaneous applications for disposal increased from 680 in 1885 to 833. The details of disposal are shown below :—

	1885.	1886.
Disposed of without trial	141	84
Compromised	17	16
Decided on confession	34	55
Decided ex-parte	162	237
Dismissed ex-parte...	7	74
Judgment for Plaintiff	196	233
Judgment for Defendant	96	86
	653	785
Pending at the close of the year.....	27	48
Total.....	680	833

23. Under the above head were comprised 13 applications for certificates to collect debts under Act XXVII of 1860.

Two applications for probate and letters of administration under Act X of 1865.

Sixteen applications under the Bombay Minors Act XX of 1864, all of which were filed and disposed of in the District Judge's Court.

24. The average duration for contested and uncontested miscellaneous cases was 15 days as against 14 days in 1885.

APPEALS.

25. Out of 652 appealable cases appeals were filed in 91 cases in the following Courts:—

The 1st Assistant Commissioner	38
District Judge ..	53
Total....	91

Add 11 cases pending from the last year, making a total of 102 cases, which were disposed of as follows:—

		1885.		1886.	
		Number.	Percentage.	Number.	Percentage.
Decisions confirmed, Section 551 C. P. C.		...	...	1	1·09
Dismissed for default		12	9·16	3	3·29
Heard ex-parte ...	Confirmed	2	1·52	2	2·19
	Modified	...	3·05	4	4·39
	Reversed	1	·76	1	1·09
	Remanded	1	·76	...	...
Contested ...	Confirmed	64	48·85	42	46 15
	Modified	23	17·55	26	28·57
	Reversed	20	15·26	11	11·08
	Remanded	8	6·10	1	1·09
	Total.....	131	...	91	...

No appeals were disposed of ex-parte in the District Judge's Court.

26. There were 11 appeals pending for disposal at the close of the year, viz. 5 in the 1st Assistant Commissioner's Court, and 6 in the District Judge's Court.

The date of oldest appeal pending at the end of the year was 9th October 1886 in the 1st Assistant Commissioner's Court.

27. *Duration.*—The average duration of appeals was 52·89 days against 29 in the last year.

28. *Pauper appeals.*—Two pauper appeals were filed and disposed of during the year by the District Judge.

29. *Miscellaneous appeals.*—There were 12 miscellaneous appeals for disposal, 5 in the Assistant Commissioner's Court and 7 in the District Judge's Court, which were disposed of as follows:—

Dismissed for default or otherwise	4
Confirmed after contest	4
Reversed	3
Pending	1
	12

30. The average duration for each case was 11 days.

EXECUTION OF DECREES.

31. The following table shows the number of applications filed in the several classes of Courts for the execution of decrees in 1886 as well in 1885.

	1886.			1885.
	Pending.	Received.	Total.	
Parpattigars' Courts	5	158	163	103
Subedars' "	76	962	1,038	1,420
Munsiffs' "	136	1,263	1,399	899
2nd Assistant Commissioner's Court...	44	158	202	272
1st Assistant Commissioner's "	7	62	69	16
District Judge's Court	3	13	16	20
Total	271	2,616	2,887	2,730

which were disposed of as follows :—

	1885.	1886.
Satisfaction in full	610	736
" in part	473	529
Wholly infructuous	1,376	1,312
Total.....	2,459	2,577
Pending.....	271	310

32. Four cases were pending over 3 months, two in the Subedar's Court, one in the Court of the Munsiff of Virajendrapet, and one in the 2nd Assistant Commissioner's Court.

33. Rupees 66,616—1—4 were recovered through the Courts in execution, while Rs. 3,516—3—5 were paid out of Court in satisfaction of decrees, as against Rs. 1,08,239—8—8 and Rs. 4,618—9—4, respectively, in the year previous.

34. The number of execution cases which proved wholly infructuous is still proportionately large, though not so numerous as in the previous year. The cause as explained in para 33 of my report of last year is mainly due to the special law in Coorg, which saves from attachment all immoveable property, whether lands or houses, which have not been expressly mortgaged. The fact that property in Coorg is largely held as common to all the members of a family. in the name of the head or *Yejman*, interposes great difficulties in the way of a decree-holder.

35. The following comparative table shows the manner in which decrees have been executed in the past and previous years :—

	1885.	1886.
Number of applications on which judgment debtors were imprisoned	47	29
Do on which judgment debtors were arrested, but released without imprisonment	132	147
Do on which moveable property was sold	244	325
Do on which moveable property was attached, but subsequently released	534	694
Do on which immoveable property was sold	22	12
Do on which immoveable property was attached but subsequently released	42	42
Do on which action was taken under Section 305 or 326 C. P. C ..	2	1
Do on which possession was given for moveable property... ...	13	...
Do on which possession was given for immoveable property ...	7	17
Total.. ...	1,043	1,267

36. *Judgment-debtors.*—Of the 29 judgment-debtors confined in the Civil Jail during the year, 2 were females.

37. *Insolvency.*—There were 5 applications under this head during the year, the number being the same as last year. Of these two were granted, one rejected, one dismissed, and one is pending disposal.

38. *Processes.*—The total number of processes issued and the income realized during the past two years are given in the following table :—

Year.	Number of processes issued.	Fees collected			Cost establishment contingencies.			Net profits.		
1885	20,861	9,258	10	0	7,009	1	6	2,249	8	6
1886	22,935	11,272	11	0	6,910	13	2	4,361	13	10

39. The number of processes issued has increased proportionately with the increase in the number of original and miscellaneous cases instituted during the year.

40. Warm clothing and belts were issued to the process peons during the year at a cost of Rs. 160—1—3.

41. *Civil Register and Records.*—The Civil records and registers of several Courts in the Province were examined during the year. The results have been submitted to the Judicial Commissioner in the Inspection reports.

42. *Securities.*—In modification of former practice, the rule by which process peons of the Courts were debarred from executing arrest warrants when the decree amount exceeded Rs. 50 has been abrogated, and the security to be taken from Amins and Peons has been raised to Rs. 200 and Rs. 75 respectively.

Fresh security bonds have been furnished from all Courts, excepting the Mercara, Yedenalknad, and Nanjarajpatna Taluks.

43. *Pleaders.*—Revised rules regulating the admission of Pleaders to practice in the several Courts have been issued by the Judicial Commissioner in his Notification No. 1 of 17th December 1886, and supersede those promulgated in Notification of 23rd December 1879.

44. The Pleaders now practising in all the Courts consist of 7 first grade and 28 second grade Pleaders and are compared as follows :—

	1st Grade	2nd Grade
Europeans	1	...
East Indians	2	..
Brahmins	1	18
Coorgs	2	3
Hindus and others	1	7
Total.....	7	28

45. *General Remarks.*—The results of the year's work may I think be regarded as satisfactory. The number of suits filed has increased, the largest proportion being petty cases falling under the jurisdiction of the Parpattigars' Courts. A sensible increase is also shown in the Munsiffs' Courts, and the expectations which were entertained last year of the popularity of these Courts, presided over by officers specially selected, and in one case, of high legal attainments, have been already amply fulfilled. The Courts have at the same time disposed of a larger number of original suits, miscellaneous and execution cases, than in the preceding year, while the quality of the work may perhaps be estimated from the fact that the number of appeals filed has been reduced by about 30 per cent.

46. In respect of the duration of suits, the results reported admit of improvement, but it will not be forgotten that with the single exception of the Munsiffs, all the Civil Courts in Coorg from those of the Commissioner and District Judge to the Nad Parpattigars are presided over by officers whose Civil judicial work form but a portion, and comparatively a minor portion of their duties as administrative and executive Revenue officers. In this respect therefore it would be unfair to apply the same test as in other cases, and I can conceive nothing more injurious to the character of the work which devolves upon them, than to insist upon their achieving better results in the prompt disposal of suits and cases.

TREDWAY G. CLARKE,

Commissioner and District Judge.

JUDICIAL STATEMENT No VII.—(Civil.)

Statement showing the number and description of Civil Suits instituted in the Civil Courts in the province of Coorg in the year 1886.

Class of Tribunals.	Suits for money or movable property.										Suits under the Rent Law.								Title and other Suits.																Grand Total.	Remarks.
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work and materials.	Rent not falling under the Rent Law.	Movable property or value thereof.	Damages.	Other suits for money or movables not already mentioned.	Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion or withholding receipts, or on account of illegal restraint or other cause.	For pattahs or kabulyats.	For ejectment or recovery of possession.	For recovery of money or accounts from agents.	All other suits under the Rent Law not included above.	Suits for immovable property.	Suits for declaratory decrees.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Interpleader suits.	Dissolution of partnership.	Suits under Section 261, Act X of 1865 (also Hindu Wills Act.)	Other suits not falling under any of the previous heads.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
Parpattigars' Courts ...	284	2	85	89	...	9	10	48	14	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5	546	
Subedars' Courts	741	24	51	111	2	19	33	89	23	...	...	...	...	...	...	...	...	...	40	...	...	...	11	...	...	1	...	7	...	...	1	...	...	...	...	6	1159	
Munsiffs' Courts . ..	744	49	169	4	3	6	5	40	12	...	...	...	...	...	...	...	...	...	23	...	...	...	10	...	...	5	...	2	...	...	...	...	...	...	...	1	1073	
2nd Assistant Commissioner's Court	52	...	2	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	3	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	1	60	
1st Asst. Commissioner's Court.	50	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	5	59	
District Judge's Court ...	10	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	14	
Total	1881	75	308	204	5	34	48	177	53	...	...	...	...	...	...	...	...	...	68	...	...	...	22	...	...	8	...	9	...	...	1	...	...	...	...	18	2911	

JUDICIAL STATEMENT No. VIII.—(Civil.)

Statement showing number and value of Suits instituted in the Civil and Revenue Courts in the province of Coorg in the year 1886.

Value of Suits.	Number of Suits instituted in the different Courts.									Total value of Suits.			Remarks.
	Not exceeding Rs. 10.	Do Rs. 50.	Do Rs. 100	Do Rs. 500.	Do Rs. 1,000.	Do Rs. 5,000.	Do Rs. 10,000.	Exceeding Rs 10,000.	Number of suits, the value of which cannot be estimated in money.				
1	2	3	4	5	6	7	8	9	10	11			12
Parpattigars' Courts ...	127	419	...	...	...	...	...	...	..	12,519	7	5	
Subedars' Courts ...	138	643	359	...	...	...	...	...	19	43,405	1	11	
Munsiffs' Courts	87	307	106	562	...	...	...	..	11	1,41,576	13	3	
2nd Assistant Commissioner's Court	...	..	...	...	60	...	...	...	...	42,512	8	10	
1st Assistant Commissioner's Court	...	...	...	...	3	56	...	...	..	1,00,844	8	11	
District Judge's Court .	...	...	...	...	...	6	5	3	...	4,32,740	15	10	
Total.....	352	1,369	465	562	63	62	5	3	30	7,73,599	8	2	

JUDICIAL STATEMENT IX.—(CIVIL.)

Statement showing the general result of the trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the province of Coorg in the year 1866.

PART I.—CIVIL SUITS.

Class of Courts.	Total number of suits before the Courts.	Number of Suits disposed of.											Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of Suits.		Remarks.
		Transferred to Courts in other Provinces.	Without trial.	Without contest.				On reference to arbitration.		With contest.					Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte.	For Plaintiff.	For Defendant.	Judgment for Plaintiff in whole or in part.	Judgment for Defendant.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16		17
Parpattigar's Courts	566	...	126	7	171	155	5	...	...	66	11	25	1	23	37		
Subedars' Courts	1212	...	219	66	348	283	2	...	...	196	45	53	2	48	24		
Munsiffs' Courts	1223	...	69	56	286	439	11	...	...	237	60	65	13	84	37		
2nd Assistant Commissioner's Court	65	..	5	7	16	17	...	...	...	14	...	6	.	54	26		
1st Assistant Commissioner's Court	67	...	4	5	13	15	...	...	...	17	1	12	1	88	49		
District Judge's Court	17	...	2	3	3	1	...	..	...	3	2	3	...	154	88		
Total... ..	3150	...	425	144	837	910	18	...	...	533	119	164	17	65	29		

PART II.—MISCELLANEOUS CASES—(JUDICIAL.)

Class of Courts.	Total number of cases before the Courts.	Number of Cases disposed of.											Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of cases contested and uncontested.	Remarks.
		Transferred to Courts in other Provinces.	Without trial.	Without contest.				On reference to arbitration.		With contest.						
				Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte.	For Plaintiff.	For Defendant.	Judgment for Plaintiff in whole or in part.	Judgment for Defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
Parpattigars' Courts	70	...	12	...	28	4	3	. .	...	17	5	1	...	7		
Subedars' Courts	159	...	22	9	12	12	...	..	...	77	23	4	...	11		
Munsiffs' Courts	366	...	14	5	11	159	66	. .	...	66	29	16	1	14		
2nd Assistant Commissioner's Court	100	...	12	2	...	13	4	...	...	38	11	15	...	18		
1st Assistant Commissioner's Court	76	...	9	...	4	14	1	...	...	30	10	8	..	19		
District Judge's Court	62	...	15	...	...	30	...	...	...	5	8	4	...	35		
Total... ..	833	...	84	16	55	237	74	...	...	233	86	48	1	15		

JUDICIAL STATEMENT No. X—(Civil).

Statement showing the business of the Civil and Revenue Appellate Courts of the province of Coorg in the year 1886.

Part I.—Appeals from Decrees.

Class of Courts.	Total number of Appeals before the Courts.	Transferred to Courts in other Provinces.	Decisions confirmed, Section 551, Civil Procedure Code.	Dismissed for default, or otherwise not prosecuted.	Heard ex parte — Confirmed.	Heard ex parte — Modified.	Heard ex parte — Reversed.	Heard ex parte — Remanded.	Contested — Confirmed.	Contested — Modified.	Contested — Reversed.	Contested — Remanded.	Pending.	Of these, pending more than three months.	Average duration of appeals	Objections under Section 561, Act X of 1877.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1st Assistant Commissioner's Court	46	...	...	1	2	4	1	...	11	18	4	...	5	...	43	...	
District Judge's Court	56	...	1	2	...	..	...	...	31	8	7	1	6	...	61	...	
Total...	102	...	1	3	2	4	1	...	42	26	11	1	11	..	52 89	..	
Judicial Commissioner's Court. — Appeals from Original decrees.	4	...	...	.	1	...	...	...	1	2	...	...	...	...	97·5	..	
Judicial Commissioner's Court. — Appeals from Appellate decrees.	18	..	11	1	...	...	1	...	4	...	1	...	...	...	54·27	...	
Total ...	22	..	11	1	1	...	1	...	5	2	1	...	...	..	62·13	..	
Grand Total . ..	124	...	12	4	3	4	2	...	47	28	12	1	11	...	54 68	...	

JUDICIAL STATEMENT No. X.—(Civil)

Statement showing the business of the Civil and Revenue Appellate Courts of the province of Coorg in the year 1886.

Part II.—Miscellaneous (Judicial) Cases before Appellate Courts.

Class of Courts.	Miscellaneous cases before Appellate Courts.	Decisions confirmed Section 541, C. P. C.	Transferred to Courts in other Provinces	Dismissed for default or otherwise not prosecuted.	Contested — Confirmed.	Contested — Modified.	Contested — Reversed.	Contested — Remanded.	Heard ex-parte — Confirmed.	Heard ex-parte — Modified.	Heard ex-parte — Reversed.	Heard ex-parte — Remanded	Pending	Of these pending more than three months.	Average duration of Miscellaneous cases before Appellate Courts.	Objections under Section 561, Act X of 1877.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1st Assistant Commissioner's Court	5	...	...	...	...	...	...	...	2	3	...	...	...	...	15	...	
District Judge's Court	7	3	..	1	..	...	...	...	2	...	...	...	1	...	14	...	
Judicial Commissioner's Court. — Appeals from Original decrees.	..	...	...	..	...	...	...	...	...	...	..	...	...	...	...	...	
Judicial Commissioner's Court. — Appeals from Appellate decrees	...	..	...	...	...	...	...	...	...	..	...	...	...	...	..	..	
Total.....	12	3	...	1	.	...	...	...	4	3	...	...	1	...	11	..	

JUDICIAL STATEMENT No. XI—(Civil.)

Statement showing the result of proceedings on applications for the execution of the decrees of the Civil and Revenue Courts in the province of Coorg in the year 1886.

Class of Courts.	Total number of applications for the execution of decrees before the Courts.	Applications disposed of.				Pending at the end of the year.	Number of applications pending more than three months at the close of the year.	Amount realized.		Number of Applications—												
		By transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly infructuous.			With the issue of process.	Without the issue of process.	On which the judgment-debtor was imprisoned.	On which he was arrested, but released without imprisonment.	On which movable property— Was sold.	On which movable property— Was attached, but subsequently released.	On which immovable property.— Was sold.	On which immovable property.— Was dealt with under Sections 305, 329 or 326, Act X of 1877.	On which immovable property.— Was attached but subsequently released under Section 275.	On which possession was given— Of movables.	On which possession was given— Of immovables.	On which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than the preceding columns.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Parpattigars' Courts	163	...	80	21	50	12	...	1.439 9 5	...	...	4	14	30	...	...	...	...	...	...	...	...	
Subedars' Courts	1,038	...	312	204	447	75	2	13,249 0 6	251 0 0	1	54	122	220	3	...	4	...	9	...	...	...	
Munsiffs' Courts	1,399	...	313	245	687	154	1	35,029 0 11	2,766 12 0	22	88	158	353	7	...	28	...	6	...	...	...	
2nd Assistant Commissioner's Court	202	...	16	53	92	42	1	13,727 1 8	498 7 5	2	5	23	51	1	1	8	...	2	...	...	...	
1st Assistant Commissioner's Court...	69	...	13	5	28	23	...	1,281 8 9	...	4	...	6	36	1	...	7	...	...	...	...	...	
District Judge's Court	16	...	2	2	8	4	...	1,889 12 1	...	...	1	2	4	...	...	...	...	...	...	...	...	
Total.....	2,887	...	736	529	1,312	310	4	66,616 1 4	3,516 3 5	29	147	325	694	12	1	42	...	17	...	...	...	

JUDICIAL STATEMENT No. XII.—(Civil.).

Statement showing the number and result of applications and proceedings under Chapter XX, Act X of 1877, *in the province of Coorg in the year* 1886.

Class of Courts.	Applications for a declaration of Insolvency.								Number of Insolvents discharged during the year under Section 355.	Number of Insolvents' estates in the hands of receivers in which proceedings were finally closed during the year.	Amount of creditors' claims dealt with during the year.		Gross amount of Insolvents' assets realized and disbursed.		Remarks.
	Total number for hearing.	Transferred to another Province, withdrawn &c.	Granted. A receiver being appointed.	Granted. A receiver not being appointed.	Rejected. Penal proceedings under Section 359 not being taken.	Rejected. Sentence of imprisonment being passed under Section 359.	Rejected. Applicant being sent to the Magistrate to be dealt with.	Pending at the close of the year.			Admitted.	Satisfied.	Realized during the year.	Disbursed during the year.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Munsiff's	3	1	...	1	...	...	...	1	...	...	...	...	...	...	
2nd Assistant Commissioner's	2	...	...	1	1	...	...	...	...	...	...	...	...	...	
Total.....	5	1	...	2	1	...	...	1	...	...	...	...	...	...	